

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM SERVICES LLC,

Petitioner,

v.

DAVID BARSKY,

Respondent.

No. No. 2:20:cv-00647-JCC

CONFESSION OF JUDGMENT

JUDGMENT SUMMARY

1. Judgment Creditor: Amazon.com Services LLC
2. Attorney for Judgment Creditor: John A. Goldmark
Robert Miller
Sara Fairchild
Davis Wright Tremaine, LLP
920 Fifth Avenue, Suite 3300
Seattle, WA 98104
Email: johngoldmark@dwt.com
robertmiller@dwt.com
sarafairchild@dwt.com
3. Judgment Debtor: David Barsky
4. Attorney for Judgment Debtors: Kenneth G. Eade
Law Office of Kenneth G. Eade
9350 Wilshire Blvd., Suite 203
Beverly Hills, CA 90212
Email: info@amazonsellers.attorney
5. Total Judgment Amount: \$254,832.71

David Barsky hereby confesses judgment in the amount of \$254,832.71 in favor of Amazon.com Services LLC (“Amazon”). Barsky hereby authorizes the U.S. District Court for the Western District of Washington to enter final judgment in this matter in that amount against Barsky and in favor of Amazon.

RELEVANT FACTS

1. On August 28, 2019, Barsky filed a demand for arbitration (the “Demand”) with the American Arbitration Association (the “AAA”), entitled *David Barsky and Best Warehouse Deals LLC v. Amazon.com, Inc.*, Case No. 01-18-0004-4731. The Demand alleged claims arising from Amazon’s suspension of Barsky’s third-party seller accounts for various violations of the parties’ contract and Amazon selling policies. Barsky sought damages of up to \$110,663.85, plus fees and costs. Amazon filed counterclaims against Barsky on September 12, 2019, for breach of Contract, violation of the Computer Fraud and Abuse Act (CFAA), and violation of the Washington Consumer Protection Act (CPA).

2. In its counterclaims, Amazon alleged Barsky defrauded Amazon and its customers by creating, purchasing, and operating a ring of covert seller accounts without authorization using pseudonyms or other false credentials to deceive Amazon and its customers. Amazon also alleged it had received numerous complaints that Barsky used these fraudulent accounts to sell counterfeit products and that Barsky defrauded Amazon and its customers by fabricating invoices to misrepresent his inventory sourcing. Amazon sought dismissal of Barsky’s claims, damages of up to \$75,000.00, and attorneys’ fees and costs.

3. On January 17, 2019, the AAA duly appointed Ramina Dehkhoda-Steele as the Arbitrator in this matter. The parties held an evidentiary hearing on February 10, 2020. The locale of the arbitration was Seattle, Washington.

4. On March 12, 2020, Arbitrator Dehkhoda-Steele issued an interim award in Amazon’s favor. Arbitrator Dehkhoda-Steele found that Barsky “was not able to provide any credible evidence or testimony to substantiate [his] claims” and dismissed all Barsky’s claims with prejudice. The Arbitrator concluded that Amazon “presented credible testimony and

documentary evidence on each of [its] counterclaims,” for breach of contract and violation of the CFAA and CPA. The arbitrator ordered Barsky to pay Amazon \$60,000.00 in damages on its counterclaims, plus attorneys’ fees and costs as the prevailing party on its CPA and CFAA counterclaims.

5. Pursuant to the arbitrator’s award, Amazon filed a request for fees and costs in the amount of \$194,832.71 on April 3, 2020.

6. Before the issuance of a final award, the parties entered a confidential settlement agreement, in which Barsky agreed to entry of this judgment. The Parties’ settlement agreement provides that Washington law governs.

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CONFESSION OF JUDGMENT – DAVID BARSKY

I verify that the facts set out above are true to the best of my knowledge and belief. I hereby do confess judgment and authorize entry of judgment in the amount and on the terms set forth above, for a total amount of \$254,832.71. I make this confession of judgment voluntarily, intelligently, and knowingly. I have consulted with counsel regarding entry of this confession of judgment.

I concede that I am subject to and voluntarily consent to the personal jurisdiction of this Court for purposes of this Confession of Judgment.

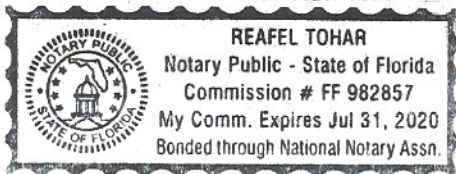
DATED: 4/28/2020

DAVID BARSKY

[Signature]

ACKNOWLEDGEMENT

I certify that I know or have satisfactory evidence that David Barsky (name) is the person who appeared before me on April 28, 2020, and said person signed or attested to and affirmed this Confession of Judgment before me.



(stamp)

[Signature]

Name: Reafel Tohar

NOTARY PUBLIC in and for the
State of FLORIDA
County of BROWARD

My commission expires 07/31/2020.

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on May 8, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

I hereby certify that I caused the document to which this certificate is attached to be delivered to the following as indicated:

David Barsky
717 100th Terrace
Plantation, FL 33324

Messenger
Via Electronic Filing
Federal Express
First Class Mail ☒
Email

DATED and signed this 8th day of May, 2020 at Redmond, Washington.



Susan Bright